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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/779,643

02/09/2001

Hiroaki Ishii

35.C15106

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10/26/2006

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EXAMINER

DUNHAM, JASON B

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/779,643

Applicant(s)

ISHII ET AL.

Examiner

Jason B. Dunham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,26,32,38 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,26,32,38 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1-2,26,32,38, and 44 are pending in this application. Applicant's reply filed August 24, 2006 amended claims 1-2,26,32, and 38, canceled claim 3, and added claim 44. The examiner notes that applicant's remarks indicated that claim 32 was amended, however the listing of the claims shows no amendments to claim 32.

In the remarks, applicant has stated, "That the claim (38) has been amended to recite that the claimed program is stored, in executable form, in a computer-readable storage medium." and "...include both a claim to a storage medium storing a computer program and a claim for the program." Programs, per se, are not statutory matter; see MPEP 2106. However, the examiner notes that both claim 32 and 38 are statutory subject matter, as they embodied in mediums, and will be treated on their merits.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2,26,32,38, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Lacheze (U.S. Patent No. 5,956,698).**

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Referring to claim 1. Lacheze discloses a management system, connected to a communication line, for managing maintenance of a printing apparatus, comprising:

- A reception unit that receives a first ID for specifying a first printing device having use history information showing that the first printing apparatus was managed and a second ID for specifying second printing device as a new device to be managed, the first ID and the second ID being different from each other and being transmitted via the communication line (Lacheze: abstract, figures 1-2);
- A search unit that searches for first information related to a contract corresponding to the first ID received by said reception unit (Lacheze: figure 5); and
- Generation unit that generates second information related to a contract for second printing device based on the first information searched by said search unit (Lacheze: abstract & figure 5).

Referring to claim 2. Lacheze further discloses a managing system wherein said generation unit further generates display information for displaying the second information generated by said generation unit and further comprising a transmission unit that transmits the generated display information via the communication line (Lacheze: abstract).

Referring to claims 26,32, and 38. Claims 26,32, and 38 are rejected under the same rationale set forth above. Lacheze discloses a method and computer readable memory medium as disclosed in claims 26,32, and 38.

Referring to claim 44. Lacheze further discloses a method wherein said generating step comprises generating display information for displaying the generated second information, and further comprising a transmission step of transmitting the generated display information via the communication line (Lacheze: abstract).

### ***Response to Arguments***

Applicant's arguments with respect to the rejection of claims 1-2,26,32,38, and 44 under 35 USC 102 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amended claim 38 renders the previous 101 rejection moot.

### ***Conclusion***

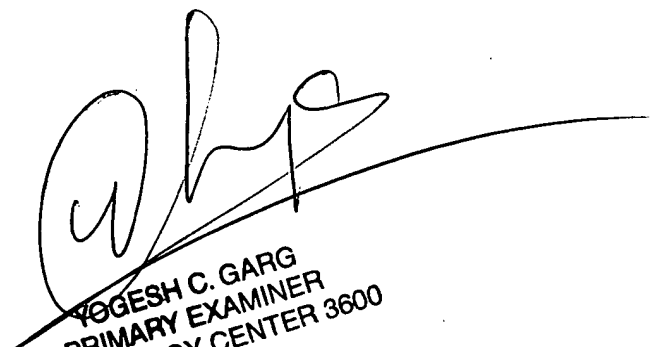
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD  
Patent Examiner  
10/19/06



YOGESH C. GARG  
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TECHNOLOGY CENTER 3600